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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,056	02/08/2002	Atsuhiko Hiram	FUJS 19.382	1172

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,056	HIRAMA, ATSUHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Philip J. Sobutka	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,14,15 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,3,8-13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. Claims 1,5,6,7,14,15,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shull (US 6,006,077) in view of Kamel et al (US 6,285,886).

Consider claims 1,7,15. Shull teaches a radio communication system comprising a base station and a plurality (2-1 to 2-n where n denotes a natural number) of terminal stations (Shull see especially col 1, lines 20-25), Shull teaches the terminal station including: a received signal strength indicator detecting section for detecting a received signal strength indicator of a transmission signal from said base station through the use of a required amplifier (Shull see especially col 5, lines 43-45); and a received signal strength indicator compensating section for compensating for the error in the received signal strength indicator detection in said received signal strength indicator detecting section, occurring according to the difference in transmission signal waveform (i.e. the claimed "different" waveform) due to an input-waveform-dependent input-output characteristic of said amplifier (Shull see especially fig 2, col 6, lines 5-17). Shull differs from the claim in that the compensation parameter used at the mobile is determined in the mobile rather than at the base station. It is notoriously well know in the art to have complex processing in a mobile communication system performed at the base station in order to limit the amount of processing required at the mobile, as well as to better coordinate system performance. Kamel teaches a mobile radio communication system wherein system parameters are determined at the base station and transmitted to the mobile for use (Kamel col 8, lines 20-60). It would have been obvious to one of ordinary

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skill to modify Shull to have the mobile parameter controlled from the base station as taught by Kamel in order to remove the processing burden from the mobile while allowing for better coordination of the network.

As to claim 6, the system of Shull in view of Kamel would perform the claimed steps.

As to claims 5,14,19 note that the compensation would of course be dependent on the modulation.

### **Allowable Subject Matter**

2. Claims 2,3,8-13,16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claims 2,3, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 1, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; a correction memory section for previously storing a correction quantity on a received signal strength indicator on the basis of a difference in number of multiplexes of the transmission multiplexed signal; and a memory control section for reading out, from the first correction memory section,

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a correction quantity corresponding to the information on the number of multiplexes detected by said multiplex number detecting section as said compensation parameter for said terminal station.

Consider claim 4, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 1, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; and the RSSI compensating section includes a multiplex number receiving section for receiving the information on the number of multiplexes from the base station, and a RSSI correcting section for correcting the RSSI on the basis of the information on the number of multiplexes received by the multiplex number receiving section through the use of a predetermined arithmetic operation.

Consider claims 8-10 the nearest prior art as shown in Shull and Kamel fails to teach a base station according to claim 7, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting

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section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station, as a compensation parameter for the terminal station.

Consider claim 16, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted from said base station varies according to the number of multiplexes in said multiplexed signal, with a received signal strength indicator correction quantity to be taken according to a difference in the number of multiplexes in said transmission multiplexed signal being transmitted as said compensation parameter from said base station, the received signal strength section includes: indicator compensating a correction quantity receiving section for receiving said correction quantity from said base station; and a first detected signal strength indicator correcting section for correcting said received signal strength indicator detected by said received signal strength indicator detecting section according to said correction quantity received by said correction quantity receiving section.

Consider claim 17, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex

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number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; a correction memory section for previously storing a correction quantity on a received signal strength indicator on the basis of a difference in number of multiplexes of the transmission multiplexed signal; and a memory control section for reading out, from the first correction memory section, a correction quantity corresponding to the information on the number of multiplexes detected by said multiplex number detecting section as said compensation parameter for said terminal station.

Consider claim 18, the nearest prior art as shown in Shull and Kamel fails to teach a radio communication system according to claim 15, characterized in that, in a case in which the radio communication node is a code division multiple access communication node and a waveform of a multiplexed signal to be transmitted to said terminal station varies according to the number of multiplexes in said multiplexed signal, the compensation parameter generating section of the base station includes: a multiplex number detecting section for detecting information on the number of multiplexes in a transmission multiplexed signal to the terminal station; and the RSSI compensating section includes a multiplex number receiving section for receiving the information on the number of multiplexes from the base station, and a RSSI correcting section for correcting the RSSI on the basis of the information on the number of multiplexes received by the multiplex number receiving section through the use of a predetermined arithmetic operation.

**Response to Amendment**

3. Applicant's arguments filed 6-29-2005 have been fully considered but they are not persuasive.

4. As now noted in the rejection to address the newly stated claim limitation, Shull teaches compensating for errors related to the transmission of "different waveforms".

5. As to the secondary reference, note that this is merely being used to teach control at the base rather than the mobile, while the reference was incorrectly labeled in the body of the rejection, this limitation is clearly taught in the cited passages.

**Conclusion**

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

10. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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